

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 1: Approved English apprenticeships

512. This Schedule inserts a new Chapter A1 in Part 1 of the Apprenticeships, Skills, Children and Learning Act 2009 (the “2009 Act”). Part 1 forms part of the law of England and Wales. Chapter 1 of that Part currently provides a regime for both “English apprenticeships” and “Welsh apprenticeships”. The new Chapter A1 relates only to “English apprenticeships” and introduces a new regime for them. Chapter 1 will continue to provide the regime for “Welsh apprenticeships”.
513. [Chapter 1](#) currently contains a number of detailed provisions about apprenticeships. The main structure of the Chapter is built around the concepts of completing an apprenticeship and conditions for the issue of a completion certificate by certifying authorities, apprenticeship frameworks (which specify requirements for apprenticeships), a specification of apprenticeship standards with which apprenticeship frameworks must comply and the requirement that apprentices are employed under an apprenticeship agreement.
514. The independent Review of Apprenticeships by Doug Richard (<https://www.gov.uk/government/publications/the-richard-review-of-apprenticeships>) in 2012 recommended that the government improve the quality of apprenticeships and make them more focused on the needs of employers. In order to implement these improvements and enable greater diversity and innovation there is a need to simplify the statutory arrangements for English apprenticeships. The new Chapter A1 therefore simplifies the arrangements. It replaces the complex provisions which currently govern English apprenticeships with new concepts of an approved English apprenticeship and approved apprenticeship standards which will be based on recognised industry standards and outcomes.
515. An approved English apprenticeship is an arrangement which takes place under an approved English apprenticeship agreement between employer and apprentice or is an alternative English apprenticeship. The approved English apprenticeship agreement is a combination of paid employment and training towards achievement of a recognised standard. The Secretary of State can make regulations requiring the apprenticeship and the agreement to satisfy specified conditions. The status of such an agreement is a contract of service. That is the same status as an apprenticeship agreement under the 2009 Act. There is also provision for alternative English apprenticeship arrangements of a kind described in regulations made by the Secretary of State. Such arrangements may include provision for apprentices who are not employed. Apprenticeship standards are prepared, and may be amended, by the Secretary of State or other persons. Where a standard is prepared or amended by another person it is subject to the approval of the Secretary of State. The Secretary of State is responsible for publishing standards, and amended versions, and may withdraw any standard. The Secretary of State has power to issue certificates to those who complete an approved English apprenticeship and to delegate the Secretary of State’s powers under the new provisions (other than the power

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

to make regulations). These provisions reduce bureaucratic burdens; for example by removing the existing detailed provision for the issue of apprenticeship frameworks by issuing authorities. The government intends to use the new provisions to ensure that employers have more direct control over apprenticeship training, allowing them to focus on what they actually value.

516. The Schedule inserts a new subsection (1A) into section 100 of the 2009 Act to ensure that under that section the Secretary of State may make any payments or otherwise secure the provision of financial resources in connection with approved English apprenticeships. This is without prejudice to the Secretary of State's powers to make payments or otherwise secure the provision of financial resources in connection with such apprenticeships, or any other apprenticeship training, under section 100(1) of the 2009 Act or any other enactment. There are also consequential amendments to sections 100, 101 and 103 of the 2009 Act.
517. The amendments in Part 2 of Schedule 1 amend Chapter 1 of Part 1 of the 2009 Act so that the Chapter will apply only to "Welsh apprenticeships" and make other consequential changes to the 2009 Act.
518. [Part 3](#) of the Schedule contains minor amendments relating to Welsh apprenticeships.
519. Part 4 of the Schedule deals with transitional matters. It makes provision about what may be included in an order making transitional provision under section 115(9) in connection with the coming into force of paragraph 1 of Schedule 1. It clarifies that an order under section 115(9) can include provision which treats certain work as if it were done under an approved English apprenticeship. The work must have been done, under other arrangements described in the order, before paragraph 1 of the Schedule comes into force and continued for any period afterwards. A standard published by the Secretary of State in this context may be treated as if it were an approved apprenticeship standard. This provision will allow work done by apprentices on Trailblazer apprenticeships, under arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973, to be recognised appropriately as part of an approved English apprenticeship. It will also allow for Trailblazer standards to be treated as approved apprenticeship standards.
520. The provisions form part of the law of England and Wales but apply only to "English apprenticeships".
521. [Parts 1](#) and [4](#) of Schedule 1 come into force on the day on which the Act is passed so far as is necessary for enabling subordinate legislation to be made. Part 3 of the Schedule comes into force on a day to be appointed by the Welsh Ministers in a commencement order. Otherwise, the Schedule comes into force on a day to be appointed by the Secretary of State in a commencement order.